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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,602	09/16/2003	Tony Breen	KONAMI03-07	3535
7590 07/26/2004 Anderson & Morishita, L.L.C. Suite 102 2725 S. Jones Blvd. Las Vegas, NV 89146			EXAMINER NGUYEN, KIM T	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,602

Applicant(s)

BREEN ET AL.

Examiner

Kim Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 10-15 have been renumbered 9-14. To avoid confusion, applicant is advised to use the newly renumbered claims in the future communication.

1. Claims 1, 4, 8, 11, and 13-14 are objected to because of the following informalities:
 - a) In claim 1, line 3; claim 11, line 3, the claimed limitation “the game” should be corrected to “a game”.
 - b) In claim 4, line 2, the claimed limitation “(i)” should be deleted.
 - c) In claim 8, lines 1-2, the claimed limitation “N fragments” should be corrected to “said N fragments”.
 - d) In claim 8, line 2, the claimed limitation “a predefined locations” should be corrected to “predefined locations”.
 - e) In claim 8, line 4, the claimed limitation “a data structure” should be corrected to “said data structure”.

- f) In claim 8, line 4, the claimed limitation “puzzle fragment images” should be corrected to “said puzzle fragment images”.
- g) In claim 11, line 5, the claimed limitation “bonus triggering outcome” should be corrected to “said bonus triggering outcome”.
- h) In claim 11, line 6, the claimed limitation “detection of a bonus triggering outcome” should be corrected to “the detection of said bonus triggering outcome”.
- i) In claim 11, line 7, the claimed limitation “the position” should be corrected to “a position”.
- j) In claim 11, line 8, the claimed limitation “the composite images” should be corrected to “composite images”.
- k) In claim 11, line 10, the claimed limitation “images for said fragments of said puzzle” should be corrected to “said images for said fragments of said puzzle template”.
- l) In claim 13 and 14, line 1, the claimed limitation “images” should be corrected to “said images”.
- m) In claim 14, line 3, the claimed limitation “to to a predetermined limit L” should be corrected to “to a predetermined limit L”.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 1, lines 7-8, the claimed limitation “said puzzle” lacks of antecedent basis. It is not clear if “said puzzle” implies the “puzzle image” in line 6?

b) In claim 1, lines 8-9, the claimed limitation “if a selected image matches a puzzle fragment” is ambiguous. It is not clear how to determined the match between the selected image and the puzzle fragment? It is not clear if the puzzle fragment has already contained an image so that the selected image can be compared with the image in the fragment. Further, it is not clear if the “puzzle fragment” implies the “fragment” in line 6.

c) In claim 1, lines 9-10; claim 8, line 6; and claim 11, line 13, the claimed limitation “the puzzle image matching fragment” lacks of antecedent basis. What is the “puzzle image matching fragment” ?

d) In claim 1, lines 10-11; claim 8, line 7; and claim 11, line 14, the claimed limitation “the number of matching image fragments selected” lacks of antecedent basis. What is the “number of matching image fragment selected”?

e) In claim 2, line 2; claim 4, line 2; and claim 5, line 2, the claimed limitation “puzzle fragment(s)” is ambiguous. It is not clear if the “puzzle fragment(s)” implies the “fragments” in line 6 of claim 1.

- f) In claim 4, line 1; claim 5, line 1; and claim 7, line 3, the claimed limitation “said display” is ambiguous. It is not clear if the “display” refers to the “game display” in claim 1, line 2, or the “bonus display” in claim 1, line 6.
- g) In claim 8, line 5, the claimed limitation “location” is ambiguous. It is not clear if the “location” is the “predefined locations” in line 2.
- h) In claim 11, line 13, the claimed limitation “in position” does not seem to make a complete sentence. It is not clear what element the position of which the claimed “position” refers to?
- i) Other claims are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US patent No. 6,428,412).

a. As per claim 1, Anderson discloses a gaming device comprising a game display to display a plurality of reels (col. 2, lines 59-67; and col. 3, line 1); a bonus trigger (col. 4, lines 13-25); a bonus display to display a puzzle image having N fragments (Fig. 12; col. 5, lines 31-40); a processor to randomly select images to be displayed in the fragments (col. 5, lines 62-67;

col. 6, lines 1-66; and col. 7, lines 1-24). Anderson does not explicitly disclose selecting the images from a data structure. However, Anderson discloses selecting an image from a list of possible puzzle (col. 5, line 67; and col. 6, lines 1-2). Further, arranging the list of data in a data structure would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the list of data of Anderson in a data structure in order to facilitate selecting image to be used in the game.

b. As per claim 2-3, since Anderson discloses randomly selecting images until the letter tiles on the rack form a misspelled word (col. 7, lines 17-19), Anderson obviously implies randomly selecting images more than two times when the number of letters is larger than two before the misspelled word occurs.

c. As per claim 4-6, Anderson discloses a xy matrix puzzle (col. 5, lines 31-40). Further, selecting a matrix size such as (3x3) matrix puzzle would have been well known and obvious design choice.

d. As per claim 7, displaying a puzzle image as a bonus trigger would have been well known to a person of ordinary skill in the art at the time the invention was made.

e. As per claim 8-14, refer to discussion in claims 1-4 and 7 above.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: July 23, 2004